

HARBORING A RUNAWAY

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends the section of the Utah Criminal Code that relates to harboring a runaway.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a person who harbors a minor who is a runaway must provide notice to the parent or legal guardian of the minor, the Division of Child and Family Services, or, under certain circumstances, a peace officer or a detention center, within eight hours from the later of the time that the person begins providing the shelter or the time that the person becomes aware that the minor is a runaway;
- ▶ provides an affirmative defense to the crime of harboring a runaway if the person fails to provide the required notice due to circumstances beyond the control of the person;
- ▶ provides that an individual or a temporary homeless youth shelter may continue to provide shelter to a runaway after providing the notice required by this bill if the parent or legal guardian of the minor consents to the continued provision of shelter or if the person notified fails to retrieve the runaway;
- ▶ clarifies that this bill does not prohibit an individual, a temporary homeless shelter, or a government agency from providing shelter to an abandoned minor;
- ▶ clarifies that this bill does not release a person from the obligation to report abuse or neglect of a child; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-501, as enacted by Laws of Utah 1996, Chapter 245**78A-6-1001**, as renumbered and amended by Laws of Utah 2008, Chapter 3

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **62A-4a-501** is amended to read:**62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to provide assistance -- Affirmative defense -- Providing shelter after notice.**(1) As used in this section:(a) "Harbor" means to provide shelter in:(i) the home of the person who is providing the shelter; or(ii) any structure over which the person providing the shelter has any control.(b) "Promptly" means within eight hours after the later of:(i) the time that the person becomes aware that the minor is a runaway; or(ii) the time that the person begins harboring the minor.(c) "Receiving center" is as defined in Section 62A-7-101.(d) "Runaway" means a minor, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the parent or legal guardian of the minor without the permission of the parent or legal guardian.(e) "Temporary homeless youth shelter" means a facility that:(i) provides temporary shelter to a runaway; and(ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a residential support program.(f) "Youth services center" means a center established by, or under contract with, the Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth services, as defined in Section 62A-7-101.~~[(1) Any person who]~~(2) A person is guilty of a class B misdemeanor if the person:(a) knowingly and intentionally harbors a minor [and who];(b) knows at the time of harboring the minor that the minor is [away from the parent's

64 or legal guardian's home, or other lawfully prescribed residence, without the permission of the
65 parent or legal guardian, shall promptly notify the parent or legal guardian of the minor's
66 location or report the location of the minor to the division. The report may be made by
67 telephone or any other reasonable means:] a runaway; and

68 [~~(2)~~ Unless the context clearly requires otherwise:]

69 [(a) "Promptly" means within eight hours after the person has knowledge that the
70 minor is away from home without parental permission:]

71 [(b) "Shelter" means the person's home or any structure over which the person has any
72 control:]

73 (c) except as provided in Subsection (3), fails to promptly notify one of the following,
74 by telephone or other reasonable means, of the location of the minor:

75 (i) the parent or legal guardian of the minor; or

76 (ii) the division.

77 (3) A person described in Subsection (2) is not required to comply with Subsection
78 (2)(c), if:

79 (a) a court order is issued, authorizing a peace officer to take the minor into custody;
80 and

81 (b) the person promptly notifies a peace officer or the nearest detention center, as
82 defined in Section 62A-7-101, by telephone or other reasonable means, of the location of the
83 minor.

84 (4) It is an affirmative defense to the crime described in Subsection (2) that:

85 (a) the person failed to promptly provide notice as described in Subsection (2)(c) or (3)
86 due to circumstances beyond the control of the person providing the shelter; and

87 (b) the person provided the notice described in Subsection (2)(c) or (3) as soon as it
88 was reasonably practicable to do so.

89 [~~(3)~~] (5) Upon receipt of a report that a [~~minor~~] runaway is being harbored by a person
90 the division shall:

91 (a) notify the parent or legal guardian that a report has been made; and

92 (b) inform the parent or legal guardian of assistance available from the division.

93 [~~(4)~~] (6) A parent or legal guardian of a runaway who is aware that [~~his minor~~] the
94 runaway is being harbored may notify the division or a law enforcement agency and request

assistance in retrieving the ~~[minor from the place of shelter]~~ runaway. The division or local law enforcement agency may assist the parent or legal guardian in retrieving the ~~[minor]~~ runaway.

~~[(5) Any person who knowingly and intentionally harbors a minor and who knows at the time of harboring the minor that the minor is away from the parent's or legal guardian's home, or other lawfully prescribed residence, without the permission of the parent or guardian and without making the notification required by this section is guilty of a class B misdemeanor.]~~

(7) Nothing in this section prohibits an individual or a temporary homeless youth shelter from continuing to provide shelter to a runaway, after giving the notice described in Subsection (2)(c) or (3), if:

(a) a parent or legal guardian of the minor consents to the continued provision of shelter; or

(b) a peace officer or a parent or legal guardian of the minor fails to retrieve the runaway.

(8) Nothing in this section prohibits an individual or a temporary homeless youth shelter from providing shelter to a non-emancipated minor whose parents or legal guardians have intentionally:

(a) ceased to maintain physical custody of the minor;

(b) failed to make reasonable arrangements for the safety, care, and physical custody of the minor; and

(c) failed to provide the minor with food, shelter, or clothing.

(9) Nothing in this section prohibits:

(a) a receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the rules relating to a receiving center or a youth services center; or

(b) a government agency from taking custody of a minor as otherwise provided by law.

(10) Nothing in this section releases a person from the obligation, under Section 62A-4a-403, to report abuse or neglect of a child.

Section 2. Section **78A-6-1001** is amended to read:

78A-6-1001. Jurisdiction over adults for offenses against minors -- Proof of

126 **delinquency not required for conviction.**

127 (1) The court shall have jurisdiction, concurrent with the district court or justice court
128 otherwise having subject matter jurisdiction, to try adults for the following offenses committed
129 against minors:

130 (a) unlawful sale or supply of alcohol beverage or product to minors in violation of
131 Section 32A-12-203;

132 (b) failure to report abuse or neglect, as required by Title 62A, Chapter 4a, Part 4,
133 Child Abuse or Neglect Reporting Requirements;

134 (c) harboring a [~~minor~~] runaway in violation of Section 62A-4a-501;

135 (d) misdemeanor custodial interference in violation of Section 76-5-303;

136 (e) contributing to the delinquency of a minor in violation of Section 76-10-2301; and

137 (f) failure to comply with compulsory education requirements in violation of Section
138 53A-11-101.5.

139 (2) It is not necessary for the minor to be found to be delinquent or to have committed
140 a delinquent act for the court to exercise jurisdiction under Subsection (1).